

**ORDINANCE NO. 12
SERIES 2006**

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF A PARCEL OF LAND CONSISTING OF 6.2 ACRES LOCATED IN THE NW1/4NW1/4 OF SECTION 36, TOWNSHIP 50 NORTH, RANGE 1 WEST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED IN EXHIBIT A, ATTACHED HERETO, FROM R-2M (DUPLEX/MULTI-FAMILY RESIDENTIAL DISTRICT) TO R-3 (MULTI-FAMILY RESIDENTIAL DISTRICT), AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GUNNISON, COLORADO.

WHEREAS, West Elk Investments, LLC, as owner of the property hereinafter described, has filed an application with the City of Gunnison, Colorado, seeking subdivision and development approval and a change of zoning of said real property; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to notice published in accordance with the City Code of the City of Gunnison, Colorado, on August 23, 2006, and continued to and concluded on September 6, 2006; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, recommended to the City Council the approval of the requested change of zoning by recommendation adopted September 6, 2006; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public hearing on the requested change of zoning on October 10, 2006;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS:

Section 1. Based upon the application seeking a change of zoning of the property hereinafter described, the evidence presented to the City Council during the public hearing on the application seeking a change of zoning of the property hereinafter described, and further, based on the recommendation of the Planning and Zoning Commission of the City of Gunnison, Colorado, the City Council hereby finds as follows:

- A. That the requested change of zoning is consistent with the goals of the City of Gunnison Master Plan to create an efficient, well-ordered, and safe community which will accommodate a variety of desirable residential, commercial, industrial, and public land uses in a land use pattern which considers both the economy and the environment and will protect and enhance the values, appearance, and lifestyle of the community. The proposed zoning amendment will allow multiple family housing units within the proposed development of Van Tuyl Village, and add a variety of housing types within said subdivision and the City of Gunnison.
- B. That the proposed change of zoning will be consistent with the purposes of the requested zone district. The purpose of the R-3 zone district is to provide for high-density multiple family residential areas, including mobile home parks, as proposed for the overall plan of the subdivision.
- C. That the requested rezoning will be compatible with the surrounding zone districts and uses. The proposed R-3 zone lies between the commercial zone areas and areas zoned R-2M, and is compatible with those uses.
- D. That the conditions affecting the subject parcel and the surrounding neighborhood are changing in that the applicant is proposing a major subdivision for the area which is currently vacant land. By virtue of the creation of the Van Tuyl Subdivision, the nature of the neighborhood is changing substantially from vacant agricultural property to fully-developed residential and commercial uses.

Section 2. That based on the foregoing findings of the City Council of the City of Gunnison, Colorado, the City Council hereby determines the rezoning of the property hereinafter described is in the best interests of the City of Gunnison, Colorado, and its citizens.

Section 3. That the zoning classification of the real property described in the attached Exhibit A, incorporated herein by this reference, located in the City of Gunnison, County of Gunnison, State of Colorado, is hereby changed from R-2M (Duplex/Multi-Family Residential District) to R-3 (Multi-Family Residential District).

Section 4. That the official zoning map of the City of Gunnison, Colorado, shall be amended to reflect the change in zoning district classification of the property.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 10th day of October, 2006, on first reading, and introduced, read, and adopted on second and final reading this 24th day of October, 2006.

Mayor

(SEAL)

ATTEST:

City Clerk

EXHIBIT A

Property description of Multi-family track within Van Tuyl Village prepared for West Elk Investments, LLC.

A tract of land within the NW1/4NW1/4 of Section 36, Township 50 North, Range 1 West, New Mexico Principal Meridian, and also being within unplatted portions of the City of Gunnison, Gunnison County, Colorado, said tract being more particularly described as follows:

Commencing at the northwest corner of Section 36, as marked by a brass cap monument stamped "LS 5112", thence South 46°40'55" East 484.43 feet to the POINT OF BEGINNING, then the following courses around said tract:

1. South 89°54'48" East 384.88 feet to the existing City of Gunnison zoning line between R-2M and C.
2. South 00°00'00" West 701.82 feet along said line;
3. North 89°54'48" West 384.88 feet along said line;
4. North 00°00'00" East 701.82 feet along the zoning line between said R-2M and R-1M to the POINT OF BEGINNING.

This tract contains 6.20 acres more or less.

Basis of bearings is North 0°00'00" West between city monuments at the intersections of Tomichi Avenue with Main Street and Denver Avenue with Main Street.

(SEAL)

/s/ Timothy E Pearson
Colorado Registered Professional Land Surveyor
Registration #34979
08/30/06